

Review of Gov. Seymour's Message.

S P E E C H

OF

HON. ALEXANDER H. BAILEY,

OF

ONEIDA.

IN SENATE—JANUARY 29, 1863.

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S P E E C H.

MR. CHAIRMAN:

I have no other purpose to-night than to attempt a review of so much of the Governor's Message as relates to National affairs. The time which this will necessarily consume, study brevity as I may, will leave me no opportunity for a formal reply to the Honorable Senator from the third. I must confine myself strictly to this purpose, or become wearisome beyond endurance.

I listened to the reading of this message, sir, with a sincere desire that I might be able to acquiesce in all its statements and conclusions. Divided counsels had already produced their inevitable results upon the country. A loyal people who, eighteen months ago, stood united and therefore invincible, had become discordant, uncertain of purpose and therefore brought to the brink of ruin. I was prepared to follow any leader, Democrat or Republican, who would sink the partizan in the patriot, and unite all loyal men in the great work of putting down this rebellion. I was disposed to avoid all irritating and useless discussion, to sacrifice my own views where principle was not involved, and adopt any plan which promised success. I hoped to find in this message a clear, distinct policy enunciated. I hoped also to find such appeals as would allay discontent, animate drooping courage, and establish public confidence in our cause.

It is, therefore, with profound sorrow that I am compelled to say that there is much in this message of an exactly opposite tendency. If I did not think so, I should take no part in this debate. A mere difference of opinion as to the cause of this war, and the proper mode of conducting it, is inevitable and harmless in itself. But when these differences are so discussed as to weaken and perhaps paralyze the Administration, through which alone the country can be saved and peace restored, the effect is only mischievous, however patriotic the motive may be.

The business of the hour is the salvation of

the government. A large section is in arms for its destruction. This rebellion will succeed unless put down by force. Force can only be used through the constituted authorities at Washington. These authorities are powerless without the support of the people.

I think these propositions self-evident. And it follows from them, that unless the people do sustain the Administration in the prosecution of the war, the rebellion will succeed and the country be destroyed. It is manifestly then the duty of every loyal citizen, high and low, to be found beneath the standard of his country, and to leave the conduct of the war to those whom the constitution has made our leaders. It is not the part of exalted patriotism to stand afar off and rail at the generalship, while the smoke of battle enshrouds the contending hosts, and that standard is being torn and riven by the missiles of the enemy. Nor when we have taken the field is it wise to spend our time in quarreling with our fellow soldiers instead of fighting the common foe. In short, it is madness for us, as a people, to imitate the factions in Jerusalem when the Romans were thundering at its gates, by weakening and destroying each other in every lull of the storm which threatens to overwhelm us.

And it is not necessary to ignore the errors and faults of our rulers in order to support the government. I concede the propriety and usefulness of free discussion of every act of the Administration. What I condemn is the exercise of this right in a way calculated to distract the people, and lead them, if possible, to believe that it is more important to crush the Administration than the rebellion.

The part of the message we are considering contains much that we all approve. His faith that the country may yet be saved—his condemnation of disobedience to constituted authorities—the call he makes for economy and integrity in public affairs—his veneration for the

constitution—his declaration that the people of this State will never willingly assent to disunion—are the sentiments of each one of us.

But this is not all he says—indeed it is a very small part of what he says. The greater portion of the message is devoted to the discussion of the causes of the war, and in attacks upon the administration.

During the early period of this struggle, the discussion of the causes of the war was dropped by common consent. Every good citizen felt that such a discussion could do no good, but would inevitably lead to strife and bitterness. The unanimity which resulted from this course, proved its wisdom, while the discord now pervading the North is, to a great extent, attributable to the persistent efforts of politicians to revive the contest. I regret, therefore, that the Governor has thought it necessary to renew the discussion of the causes of the war. But since he has done it—since he has forced the question upon us—I cannot consent by silence, to seem to acquiesce in statements which I deem incorrect in fact, and evil in tendency. I am not willing that the discussion, if there must be one, shall be all on one side.

His Excellency commences with the proposition that "there are now no causes for discord that have not always existed in our country, and which were not felt by our fathers in forming the Union."

His subsequent argument shows that he here refers principally, if not entirely, to slavery. It is true, Sir, that this institution then existed and that it now exists. But it is not true that it was then the same as now, in position,—in spirit, in ambition or in power, even relatively. It was then a mere industrial institution. It has since usurped a position entirely different. It has become a great political power overshadowing the land and demanding the control of the Government as the condition of its loyalty. Our fathers had no such monstrous demands to compromise and adjust. This *imperium in imperio* did not then exist.

The Governor continues—"If the North and the South had understood the power and purposes of each other, our contentions would have been adjusted."

Had the South understood the power of the loyal States, and their determination to maintain the Union at any cost, it is possible that the rebellion might have been postponed, but that is all. The North could not have prevented the rebellion by any concessions which even Governor Seymour would make. I say by any concessions, for it must be remembered that when compromise and adjustment is spoken of, it always means demands on the part of the South, and concessions on the part of the North.

The offense alleged by the rebels at the time of the outbreak, was the election and inauguration of Mr. Lincoln, an event secured by themselves as certainly as if they had directly voted for him. They determined that he should be elected, and for the very purpose of precipitating the rebellion. And is there a respectable man at the North who would have consented to the

violent deposition of Mr. Lincoln, even if it would have prevented the rebellion?

No Sir, this assertion that the war might have been averted, so constantly repeated of late, and which is doing its work of evil amongst us, is a mere gratuitous assumption. It has not a particle of proof to rest upon. It utterly ignores the whole rebel programme as stated over and over again by themselves. It refuses to see, what is apparent to the whole world, that this rebellion had been determined for over thirty years—that its plans were forming during that whole period—and that their complaints of Northern aggression was a mere cloak to conceal their actual purpose, and a means employed to drag their own people into the conspiracy.

No Sir, it was ambition, a thirst for power that made these men rebels, not any real or imaginary injustice on the part of the North, they themselves being witnesses.

Says the Governor again: "Afrighted at the ruin they have wrought, the authors of our calamities at the North and South insist that this war was caused by an unavoidable contest about slavery."

This is a remarkable sentence. Let us analyze it. It asserts

1st. That a portion of the people at the North are "authors" of this war.

2d. That they are equally guilty with the actual rebels for the ruin wrought.

3d. That these "authors" North and South alike insist "that this war was caused by an unavoidable contest about slavery."

Sir, I affirm that each and every of these propositions is untrue as matter of fact, and that the first two are monstrous.

First, as to the assertion that a portion of the people at the North are authors of this rebellion. Who are the persons against whom this charge is made? He cannot, does not mean that little squad of fanatics heretofore known as abolitionists? They were so insignificant in numbers and so totally without political influence, that his Excellency would not attribute to them such tremendous powers for evil. No, sir, he does not mean them. He brings this accusation against the republicans of the North, so recently largely in the majority in the loyal States, and who would now be in the majority, as I verily believe, if our armies were at home.

And what is the charge? That they are authors, not the sole authors, to be sure, but still authors, of this rebellion. In other words, that they did something, or omitted to do something, which not only occasioned the war, but which justified it also. For unless they made the war necessary and right, they cannot be called authors of it. To say that they are, by reason of anything short of this, is to pervert language, confound the most obvious distinctions, and talk nonsense. It is like saying that the victims of the St. Bartholomew massacre, because they were hated by the assassins, were the authors of that massacre. Or it is like that logic which declares that the majority of the Assembly were the authors of the recent disorders there, because they would not permit the minority to control the House.

But waiving all this, what had the republicans actually done? Was the election of Abraham Lincoln their offence? No. Gov. Seymour tells us in this very message that Mr. Lincoln was constitutionally elected—and he is the last Governor in this country or any other to question a right secured by that instrument.

Was it the so-called agitation of the slavery question? I might reply that republicans were only a portion of those engaged in this agitation—that slavery was aggressive—that its advocates, North and South, made it their constant theme everywhere and upon all occasions—but I cannot stop for this. I wish merely to inquire whether any man will say that the discussion of slavery at the North is just cause for rebellion at the South?

And above all, can Gov. Seymour, who in this same message so emphatically demands free discussion, who so solemnly and almost threateningly declares that “there must be no attempt to put down the full expression of public opinion”—who is so tender in regard to constitutional rights that he declares, in substance and effect, that the general government shall not, in time of war, arrest a traitor in this State without due process of law—will he say that this constitutional right of free discussion, when exercised by republicans, is just cause for war on the part of the South?

But perhaps I shall be told that the Governor in this proposition did not refer to the election of Mr Lincoln, nor yet to the agitation of the slavery question. I know that there are no specifications, that this monstrous charge is wrapped in “glittering generalities,” but if he did not mean these things, what did he mean? The only approach to definiteness is the assertion that “we are to look for the causes of this war in a pervading disregard of the obligation of laws and constitutions; in disrespect for constituted authorities; and above all in the local prejudices which have grown up” in certain quarters which he names. I am compelled to guess even here at the meaning. I presume, however, that personal liberty bills and opposition to the fugitive slave law, are referred to in the first part of the sentence.

It is no part of my purpose to defend these bills or that opposition. But will any sane man deliberately assert that these things caused the war? It would be easy, if there were time, to show that the rebellion would just as certainly have come, if no liberty bill had ever been enacted, and if every fugitive slave had been seized, carried back and presented by us on our knees, to his master. I have already shown that this rebellion was caused by the unbridled ambition of the conspirators and nothing else.

But this subject of liberty bills tempts me to digress a moment and make an inquiry. Was it not the object of these bills to prevent the abduction of citizens and freemen and the “carrying of them many hundred miles to distant prisons in other states or territories?” And is there not a striking analogy between the purpose of these acts, and the purpose of the Governor of this state, expressed in this message, to prevent

the military arrest and abduction of citizens of this state?

But I must pass on to the second proposition of the Governor embodied in the paragraph I am considering, viz.: that the northern authors of this war (meaning the Republicans) are equally guilty with the rebels for the ruin wrought.

Sir, I shall not trust myself to characterize this proposition as it deserves. As Webster said of Massachusetts—there it is, behold it and judge for yourselves. I would not exhibit “disrespect for constituted authorities,” for that, we are told, was one of the causes of this war—but I will ask if there be a man here or elsewhere who will defend this proposition? I will only add, that it is a cruel imputation upon at least one-half the people of the northern states who never conceived a treasonable design or spoke a treasonable word—who never found an excuse for standing aloof when their country was in danger, and who have freely devoted their lives and fortunes to the work of putting down this rebellion.

And now, sir, a word in regard to the third proposition contained in this paragraph, viz.: that these authors of the war, north and south—meaning the rebels of the south and the Republicans of the north—alike insist that this war was caused by an unavoidable contest about slavery.

It is not of much consequence, but this proposition is not true. It is not true as to the position of the rebels even—but I shall not stop to discuss that. As respects the Republicans, I deny emphatically that they have ever said any such thing. They did say that the subject of slavery was unnecessarily and wantonly forced upon the country by the unceasing and arrogant demands of the slave power. But they have never said that this *controversy* was the cause of the war. On the contrary, they have always insisted, and they now insist, that this controversy had nothing to do with the war—that the slave power, uninfluenced by any real or imaginary provocation, but instigated solely by ambition and the devil, inaugurated this rebellion.

If any man desires to state that an unavoidable contest about slavery was the cause of the war, let him do so as an original proposition and upon his own responsibility—but no man has a right to state it as a proposition of the Republicans, to give himself an opportunity to refute it.

If the allegation had been that Republicans insist that slavery—not the controversy about it—but that slavery itself was the cause of the war, it would have been substantially correct. We have said that. And what we mean by it is, that this unholy ambition of which I have spoken, and which inaugurated hostilities, is born of and is sustained by slavery—that this institution, of its own inherent corruption, breeds traitors to a government and constitution which secure equal rights to all.

Again, the Governor says that “the spirit of disobedience has sapped the foundation of municipal, state and national authority in every part of our land.” As is usual in the message, this

statement makes no distinction between rebellion in the South and disorderly conduct in the North. The proposition seems to be that this spirit of disobedience, uniform in character and development, exists everywhere in our country. On the Rappahannock and the Hudson—at Vicksburgh and in New York—in South Carolina and in Massachusetts. That several states have disobeyed the national authority and taken up arms against it, thus causing the war, is very certain; but why continually mix together, in this bewildering way, the people who are fighting the government and the people who are not? But no matter. This rebuke of the spirit of disobedience to lawful authority, is well-timed. There have been recent exhibitions of lawlessness here in the loyal states, that may well excite the alarm of every good citizen. It is but a few months ago, that an ex-mayor of New York proposed to revolutionize that city and make it an independent power! And that man, by the way, has just been elected a member of Congress. It is but a few weeks since the Legislature of Pennsylvania was surrounded by a mob to overawe and control the action of that body. It is only yesterday that a similar mob gathered in your Assembly Chamber for a similar purpose. Upon the floor of your own Legislature threats were made that a certain candidate for speaker should never take his seat, if elected. There are now persons and journals among us, whose ceaseless business it seems to be to stir up a revolution against the general government. If this Jacobinical spirit be not put down, and that speedily, we shall not only lose our national government but our state government also. Not only will the Federal Constitution be destroyed, but our state laws and institutions will disappear with it. I rejoice, therefore, to find this condemnation of disobedience and lawlessness in the message, and I pray that His Excellency will crush it out in this State, by all the constitutional means he possesses.

But I must hasten on. The Governor next says—that “When the leaders of the insurrection at the extreme South, say that free and slave states cannot exist together in the Union, and when this is echoed from the extreme North by the enemies of our constitution, both parties simply say they ‘cannot’ because they will not respect the laws and the constitution.”

This may be good rhetoric, but it surely is bad logic. Admit the premises, still the conclusion is a *non-sequitur*. How an abstract opinion that free and slave states cannot exist together, even when expressed, makes a man declare that he is unable to obey the laws and constitution and that he will violate them, is not apparent.

But waiving such criticism, I say that these premises are made up of false assumptions. Put in plain language, the propositions assumed are these:

1. The leaders of the insurrection at the extreme south say that free and slave states cannot exist together in the Union.
2. The people of New England say the same thing.

That this may have been said at the south is very possible, although I do not remember ever to have seen any such remark in any defence of the rebellion. The rebels have said from the first, and now say that they *will not* remain in the Union, not that they *cannot*. They have declared that they *will not* respect the laws and constitution, not that such obedience is impossible.

But however this may be, I deny that the people of New England have ever said that free and slave states could not exist together in the Union. Whether this may or may not have been said by that close corporation, the abolitionists of New England, I neither know nor care. For it is entirely immaterial for the purposes of my argument, whether they have or not. We are looking for the causes of this war. And no one will pretend that the sayings or doings of this small body of men were of the least political consequence. And, as I have before said, Gov. Seymour does not refer to them. He means New England, when he designates the extreme North, and when he speaks of the enemies of the Constitution at the extreme North, he means the people of New England, except that very small and select circle of Yankees who agree with him in politics.

I repeat, sir, the people of New England have never said that free and slave states could not exist together in the Union. On the contrary, they and the republicans of the whole North have alike insisted that free and slave states could exist together in the Union—nay, that such a connection could and should be entirely harmonious, and that this would be so if the slave states would obey the Constitution and content themselves with the rights guaranteed by that instrument.

But I shall be asked if republicans have not said that there is an irrepressible conflict between freedom and slavery. Yes. But that is a very different thing from saying that free and slave states cannot exist together in the Union. To illustrate I may say that there is an irrepressible conflict between capital and labor, but will any one contend that this is equivalent to saying that capital and labor cannot exist together in the same political community?

Labor may strive to procure the largest possible renumeration for the smallest possible amount of service, and capital may strive to obtain the greatest possible amount of service for the least possible amount of compensation, and yet capital and labor always have and always will exist together.

And, sir, this irrepressible conflict between freedom and slavery may go on, and never furnish a justifiable cause for a pro-slavery war, any more than the eternal conflict between capital and labor furnishes cause for an agrarian war.

When we say that there is an irrepressible conflict between freedom and slavery, we simply recognize a fact which now exists and which always has existed. We do not say that it should be or that it should not be. There it is, whether we will or not. It springs from the nature of slavery and the constitution

of the human mind as framed by its creator. And he who says that it shall be put down, imitates the royal Canute when he ordered the waves of the ocean not to touch his feet—to borrow an illustration used by the Senator from the Third. And I repeat the denial, that the recognition of this fact, says or implies, either that free and slave states cannot exist together, or that we cannot, or that we will not obey the laws and constitution.

But I shall be again asked, if Republicans have not said that the present relation of free and slave states could not always continue, and that the states would ultimately become all slave or all free. Yes, some of them have expressed this opinion, or rather made this prediction, for it is simply a prediction; but this also is a very different thing from saying that free and slave states cannot exist together in the Union. Nay, this opinion or prediction, call it what you will, necessarily supposes the exact contrary, viz.: that they will remain together in the Union until this irrepressible conflict shall have triumphed on the one side or the other, until freedom or slavery shall have overshadowed and absorbed the other, and the whole Union thus become alike in institutions and homogeneous in policy. It expresses the opinion that this irrepressible conflict will ultimately produce this result. It does not say or imply that the free and slave states cannot, in the mean time, exist together. Neither does it say or imply, that those who hold this opinion intend to disobey the "laws and constitution."

Again, the Governor says that "this war should have been averted." I would not pause over this brief sentence were it not to call attention to the peculiar manner in which Governor Seymour speaks of the War throughout the message. Possessing great powers of denunciation which are freely exercised in this message, he never employs these powers against the rebellion, and he never charges upon it the unutterable woes it has inflicted. He never strikes a rebel unless he can couple a Yankee with him, so that the latter shall receive at least, half the blow. We never hear a clear ringing appeal to the people to cease their political quarrels and unite heart and hand to put down this infernal rebellion. And yet no man in America could this day arouse the North to such a pitch of patriotism fervor as might Horatio Seymour. He is the leader of a great, patriotic and triumphant party. Every man of that party, whose support is worth having, would hail with enthusiasm a declaration from him, that we would never submit to this rebellion, but that we would crush it out. Alas Sir, this appeal has not been made. We have instead, many patriotic generalities, the most of which I have quoted. We asked for bread and we have received a stone. We are informed "that deference" is due our rulers provided they keep within the limits of their jurisdiction.

It is ever conceded that "at this moment, the fortunes of our country are *influenced*"—Heaven save the mark—"are *influenced* by battles." We are told, in as few words as the idea could be expressed, that "our armies in the field must be

supported," and that "all constitutional demands (was it worth while to suppose that there would be any other?) of the government, must be promptly responded to." But lest these interlocutory remarks should be misunderstood, we have page after page of misrepresentation and denunciation, of at least, one-half the people of the Northern states; asserting among other things, that they are as much authors of this war as the rebels themselves, and that they are jointly responsible with them for all the "ruin wrought." We are told that the President of the United States, honest to a proverb, and the least ambitious of men, has usurped more than regal powers, and without the shadow of an excuse, has trampled the federal constitution and the rights of sovereign states beneath his feet.

We have also an elaborate argument to show, that one section of the loyal states should array itself against another; and to cap the climax, we have the positive assurance that we cannot subdue this rebellion, from which results the necessary inference that our military defence ought to cease.

But sir, I am wandering. The expression is that "the war should have been averted." Let us examine this a little more critically, for it is another peculiarity of the Governor to sometimes insinuate offensive charges rather than make them, and to cover up a fallacy with plausible words—as a pill is coated with sugar, that it may be swallowed without betraying its nauseous qualities.

Observe then, it is not said that the war should never have been inaugurated or commenced, which would have thrown the blame upon the scoundrels who causelessly took up arms, but the carefully conned and deliberately framed expression is: "The war should have been averted," which casts the blame upon the miserable Yankees. The war *should* have been averted; that is, it *could* have been. There were persons who could have done this. Nobody will understand him here to refer to the rebels. Everybody will understand him to say, that the persons who could thus have averted the war were the Republicans of the North. He nowhere tells us how they could have done this, but he over and over again insinuates the charge.

But I shall be told that the Governor means that we could have averted the war by accepting the Crittenden compromise. This is an old story, and my reply must be very brief. My answer then is—1st. That this is a mere gratuitous assumption without a particle of proof to sustain it. If we are to believe the rebels themselves, they would have spurned the concession with scorn. 2d. That this compromise could not have averted the war unless it was accepted before the war, and that the Democrats of the north themselves voted down this identical proposition in Congress, at least twice before the war. That the responsibility, therefore, of not averting the war by this measure, rests upon them and not upon the Republicans. That the making of this concession after the war, would have been a cowardly yielding to violence what

had been deliberately and repeatedly denied to argument.

We now come to the Governor's treatise on State rights, martial law, and military arrests. To attempt anything like a critical examination of this elaborate argument would consume hours, and I cannot venture to ask such an indulgence from the Senate. I shall, therefore, from necessity, merely glance at these subjects. I would not even do that except to point out what I think is a spirit of bitterness against the general government, and an unwarrantable perversioiu of its purposes.

I concede, sir, that there is much in this argument which is entirely sound. The general proposition that the Federal and State governments are distinct, and that the rights of each must be respected, no one will dispute. The importance of a strict obedience to the constitution cannot be too strongly expressed. That property and persons shall be secure from unjustifiable seizure and arrest, is a principle we all maintain. There is no difference of opinion between the administration at Washington and the administration at Albany about these things; and yet the whole of this philipic against the federal administration is built upon the assumption that the officers of the general government deny these fundamental principles.

The position of the administration upon these subjects, as I understand it, is briefly and in substance this :

That the constitution amply provides for its own preservation, and also for the preservation of the government it creates. If it did not, it would be a failure, because inadequate to save even itself. That the destruction of the government is the destruction also of the constitution—and therefore the constitution confers upon the government every power necessary for its own self-preservation. It does not, in the language of this message, leave the government to "assume" such powers, but the instrument itself confers them—and consequently that the exercise of such powers, in a proper case, cannot be in violation of, but is in obedience to, the constitution. At a moment, then, when a gigantic rebellion springs, ready armed, upon the government, it is not only authorized, but commanded, to use every means necessary to put down the insurrection and save itself. And in such an extremity, every means allowed by the laws of war which will strengthen the government and weaken the enemy in the conflict, may properly be said to be necessary.

Whether a particular means employed be or be not necessary, is not a question of constitutional law, therefore, but a question of fact, to be determined like any other question of fact. But to ask whether the government has a right to use a means conceded to be necessary to put down a rebellion, is no question at all—it is simply nonsense. I say, then, that the government, in proclaiming martial law and arresting persons for treasonable offences, has designed to act in obedience to the constitution, and not in violation of it. Whether it has misjudged or not in regard to this necessity in particular instances,

is entirely another thing. And I insist that the only way to test the constitutionality of any particular act of this kind, is to determine whether or not it was necessary—or in other language, whether it was calculated to aid the government in suppressing the rebellion. If it was thus necessary, then it was constitutional—if it was not, then it was unconstitutional. In my judgment, this is the beginning and the end of all legitimate inquiry upon the subject. Dissertations, therefore, upon the civil powers of the President, upon the constitutional guaranties of life, liberty and property, and upon the rights of the States, have no application to the question. Nobody claims that the President can do these things in his capacity of Chief Magistrate and in time of peace. His powers as civil executive are then limited by the restraints imposed upon him, as such, by the express language of the constitution. But the President is not merely the Chief Magistrate and civil executive of the nation, he is also the Commander-in-Chief of the army and navy—and the same constitution which makes him the one, makes him the other also. The same instrument which defines and restrains his powers in time of peace as civil executive, confers upon him every military power necessary to save the government in time of war, as Commander-in-Chief.

The only legitimate question, therefore, as I have before stated, is one of fact—viz : whether there was any necessity for the acts complained of—or in other words, whether these acts would aid the government in putting down the rebellion. This is an open question, undoubtedly—in regard to which men may differ as widely as the poles.

As respects military arrests, I think the government had a constitutional right to make them. And in addition to this, I must differ entirely from the Senator from the Third, by affirming that the people themselves clamorously demanded these arrests. So rapidly have momentous events rolled over us since this war began, that we sometimes forget the situation of affairs and the state of public opinion, even a few months ago. If we will go back to the outbreak of this rebellion, and when our people were making their preparations to resist it, we shall call to mind a small class of persons whose atrocious language and conduct made the blood of every honest man boil with indignation—men who declared in our streets that our armies, composed of our own sons and brothers, ought to perish—who did all they could to prevent enlistments—who said that if they fought at all they would fight for the South—who sneered and taunted when our soldiers were bea'en—and who even threatened to inaugurate civil war here at home.

In the then temper of the public mind, such language and conduct could not be endured. With almost entire unanimity the people called upon the Government to arrest these traitors and prevent their doing further mischief. In response to this demand, and to stop the spread of treason at a moment of imminent peril, the government did order the arrest of a few of the noisiest and worst of these men. And yet it is

this which Governor Seymour pronounces a "high crime." It is by these arrests, made under such circumstances, that the general government "has treated this loyal state, its laws, its courts and its officers, with marked and public contempt, and violated its social order and sacred rights," according to Gov. Seymour, and that "a department at Washington insulted our people and invaded our rights"—"and—he assures us—against these wrongs and outrages the people of the State of New York at its late election solemnly protested."

Sir, this language is extraordinary, to say the least. I have already shewn that the constitution warranted military arrests at a time of such peril, and that the people themselves demanded them. As respects the late election, I concede that every man in the State who had been, or who ought to have been arrested, voted for Governor Seymour, and no doubt, protested with all his might against all these arrests. I concede that many good and patriotic men of both parties, doubted the policy of this measure—that some insisted that Government had no right to make them at all, and that no body justified the abuse of this power which was seen in a few instances. But when all is said, I deny that the majority even of those who voted the democratic ticket considered their rights invaded or themselves insulted, because the government, in a few instances, had exercised the power to make military arrests. Why, Sir, some of these very men had been a short time before as clamorous as any body for these arrests. This kind of deduction from the results of the late political campaign is as preposterous as it would be for me to say, that the people of this State, at the late election, declared themselves in favor of the rebellion, because every sympathiser with the South in the state voted the democratic ticket.

No doubt instances of improper arrests can be cited. Unfortunately, it is not possible for the most vigilant and conscientious government to perform a duty like this with unerring wisdom, any more than it can carry on a gigantic war without inflicting misery upon many innocent persons. These errors, mistakes and unintentional injuries, are the inevitable consequences of a state of rebellion.

I know, Sir, that the right of the meanest to the protection of law, has been the theme of some of the noblest eloquence ever uttered by man. I never read or hear a defence of this sacred principle without deep-emotion. No man has a profounder conviction of its truth than I have, and no man shall maintain it with greater zeal than myself. But in the name of our common country ready to perish, shall this great truth be dragged from its high eminence, and employed in the work of stirring up the people against the government at an hour like this?

And now, Sir, having said thus much in defense of the motives and objects of the government in making these arrests, allow me to add, that I now regret, and have always regretted, that arrests were ever made in New York or in any state similarly situated. I have never doubted the right, as I have said, but it was apparent from the first

that the subjects of it, although temporarily silenced, would afterwards form themselves into a band of martyrs and thereby have increased power of evil, and at some future time, too, of perhaps greater danger. It was certain, also, that politicians would not hesitate to use a matter so easily perverted, and that it would be employed by them as a means of attack upon the administration. In short, I feared that it would be used just as I find it used in this message.

I must pass without examination a great many assertions and conclusions upon this subject of martial law and military arrests. I cannot stop to consider his assertion, repeated over and over again in various forms of language, that the President has exercised more than regal powers—that he has assumed the right to declare war and then extinguish the state and national constitutions—that this is not claimed to be done "by reason of necessity which overleaps for a time all restraint and which is justified by a great exigency," but that it is claimed that his military power exalts him above his civil and constitutional rights—that the President and his friends hold that there is no sanctity in the Constitution, and that it has no authority to keep the executive within its restraints. There is not one word of truth in all this, from beginning to end. It is bold assumption, transparent fallacy and outrageous abuse of the general government. And it is not original at that. These positions were taken months ago by the leaders of the rebellion, and now we find them "echoed" at the capitol of the State of New York.

But says the Governor, Washington never declared martial law, during the revolution. I have had no time to re-examine the history of that period—but grant that he did not formally declare martial law, did not his army, through the whole course of the war, constantly seize and arrest every active tory that could be found? Did the cowboys of the Hudson, or spies and informers generally, enjoy the immunity here claimed for their lineal descendants? Were tories permitted to hurrah for King George, and publish newspapers denouncing the revolution? Nay, further—in the whole conduct of our fathers, which his Excellency so wisely recommends us to imitate, can there be found the example of a party, or of a true man, that made war upon the government for these military arrests?

Again, the Governor pronounces the recent proclamation of emancipation to be an unconstitutional attempt, on the part of the President, to carry on the war, not for the restoration of the Union, but for the abolition of slavery. He does not use this language, but no one will deny that this is just what he means. He says the government has abandoned the policy of fighting simply for the restoration of the union, and adopted "the views of the extreme Northern States," by which he means abolition as an end.

After what has already been said on this subject during the progress of this debate, it is not necessary for me to make an elaborate argument in defence of the proclamation. I must however

call attention to the wanton perversion of the objects of the government here displayed. The President in his proclamation of the 22d of September on this subject, solemnly declared: "That hereafter as heretofore, the war will be prosecuted for the object of practically restoring the constitutional relation between the United States and the people thereof, in which States that relation is or may be suspended or disturbed."

And in his proclamation of January 1st he again declares that he issues it "by virtue of the power in him vested as Commander-in-chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing the rebellion."

On another memorable occasion he said in substance and effect, that if he could save the Union by freeing all the slaves, he would do it. If he could save it without freeing any, he would do it; and if he could save it by freeing a part and leaving a part, he would do that. That his sole object and effort was to save the Union—that he would do nothing which did not, in his judgment, promote this object; and that he would do anything warranted by the laws of war which would accomplish it.

Is not this language clear and unequivocal? Can any man's purpose be more explicitly or emphatically expressed?

What then is the alternative? We must either concede that he means just what he says, and that he has not and will not wage this war for the abolition of slavery or for any object whatever except the restoration of the Union, or we must assume that Abraham Lincoln has meanly, hypocritically and cowardly lied in these solemn declarations.

Nobody above the grade of a pothouse politician has yet ventured to say that. Why then will anybody, for mere party purposes, so misrepresent the designs of the Commander-in-chief?

And those who are engaged in this warfare upon the administration are not aided by quotations from the speeches of Wendell Phillips, or any other abolitionist. Wendell Phillips, and men of his school, have no influence whatever with the government in the conduct of this war, and everybody knows it. The great mass of the people of the north who approve of this proclamation, do so because, and only because, they agree with the President in considering it a necessary war measure. They think it will weaken the enemy and strengthen the government, and this for reasons which have been frequently expressed and are well understood. Nor is the case of these gentlemen bettered by the wild, senseless, incendiary cry of "Abolition." I have shown that any such charge is as "baseless as the fabric of a vision."

When I hear a man, therefore, call the administration and its supporters abolitionists, I know that he has exhausted his reasoning powers, and is obliged to resort to abuse. He would compel an epithet to do the work of argument. And yet

I must concede that it has its effect, for it appeals to the blindest and the lowest passions of human nature. It is as potent as whisky in raising the desired cheer from a certain class of men. As the cry of "infidel" inflames the ignorant and fanatical Moslem, so "abolitionist" is here the shibboleth of degraded politics.

I have stated that I should make no special argument in defense of this proclamation. Indeed, I have already said what was requisite upon the constitutionality of war measures. If this was a necessary war measure, if it would assist the government in putting down the rebellion, then it is constitutional beyond all question. For I repeat, the constitution creates him Commander-in-Chief and commands him to "preserve, protect and defend the constitution," in war, as well as in peace, and in war, by the use of all necessary means justified by the laws of war.

But, says the Governor, "The President had already signed an act of Congress which asserts, that the slaves of those in rebellion are confiscate, and that the sole effect of this proclamation, is to declare the emancipation of slaves of those who are not in rebellion, and who are therefore, loyal citizens." And he facetiously adds, that this is an extraordinary way to uphold the constitution and restore the Union. The governor is obliged to pervert the facts, that he may point his sarcasm.

One of the allegations here made, is that the "act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels and for other purposes," approved July 17, 1862, is the same in substance and effect, as this proclamation, so far as the slaves of rebels are concerned.

But this proclamation declares that all slaves in the actually rebellious states, are free, and that the "Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain their freedom." Therefore, the statement of the governor is, that the confiscation act declared the slaves of those in rebellion free, and pledged the executive, military and naval power of the government to maintain that freedom. Do I misconstrue this proposition? I appeal to the context. After saying that the President had already signed this act "which declares the slaves of those in rebellion confiscate," he adds, "the sole effect of this proclamation, therefore, is to declare the emancipation of the slaves of those who are not in rebellion." That is, it produces no effect whatever upon the slaves of rebels, which was not already produced by the confiscation act.

If we will examine the act referred to, we shall find that it does not "confiscate" slaves at all. It confiscates the property, other than slaves, of certain specified persons, and it also declares that certain slaves of certain rebels shall be free. The only sections of this act which relate to the emancipation of slaves are the first, second and ninth. I will cite enough of these to show their provisions. The first section declares "that every person who shall

hereafter commit the crime of treason against the United States, and shall be adjudged guilty thereof, shall suffer death, and all his slaves, if any, shall be declared and made free. Or, at the discretion of the court, he shall be imprisoned for not less than five years, and fined not less than \$10,000, and all his slaves, if any, shall be declared and made free."

The second section makes it a crime to incite rebellion, and declares that any person *convicted* of this offence shall be punished by fine or imprisonment, and the liberation of his slaves, if he have any.

The ninth section provides: "that all slaves of persons who shall hereafter be engaged in rebellion against the government of the United States, or who shall, in any way, give aid or comfort thereto, escaping from such person or persons and taking refuge within the lines of the army; and all slaves captured from such persons or deserted by them, and coming under the control of the government of the United States, and all slaves of such persons found or being within any place occupied by rebel forces, and afterwards occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves."

It is not true, then, that this act "asserts that the slaves of those in rebellion are confiscate." Neither does it assert "that the slaves of those in rebellion are" free. It declares that the slaves of such rebels and inciters of rebellion as may be *tried and convicted in a court of justice* shall be free. It also declares that such slaves of rebels as may escape into our lines, or such as we may capture, shall be free, and this is all.

But this perversion is so gross and palpable, that I need not pursue it further.

Mr. Chairman, in my poor opinion there is no part of this message more incorrect in statement, unsound in conclusion and mischievous in tendency, than that portion devoted to the differences of interest, views and purposes alleged to exist between New England and the rest of the loyal states; but I have left myself no time for its examination.

This new apple of discord grew upon rebel soil, and was thrown among us by the arch-traitor at the head of the insurrection, and sorry am I to see loyal men here receive it, admire it, furbish it up, and send it through the land to work its unholy and disastrous mission.

Sir, he cannot be just who attempts to teach the different sections of the country that their interests are antagonistic, for there is not a state or community in the Union whose interest is not promoted by the advancement of the interests of every sister state and community. And to cause one part of the loyal states to believe that another part entertains political views and purposes, in the conduct of this war, diametrically opposed to their own, is to precipitate the nation to certain destruction. It is "sowing the wind to reap the whirlwind." And, Sir, this most extraordinary argument is a fresh illustration of the great inconsistency sometimes exhibited by the ablest of men.

The Governor's message is filled with denunciations of the persons who, he says, systematically and laboriously inculcated misapprehension between the sections before the war, and taught them to despise each other; and here, in time of war, when the existence of the Nation is trembling in the balance, he himself deliberately and elaborately inculcates such misapprehension between loyal states, and teaches them to hate and despise each other to the utmost of his ability.

Sir, has the solemn and prophetic warning of Washington, contained in his farewell address, ever before had so clear and distinct an application?

I will not attempt a reply to this attack upon the patriotism of New England. The familiar words of Webster, in answer to a similar attack, are all that need be said. They are just as appropriate here, as upon the occasion when they were uttered. Allow me to quote them:

"I shall enter on no encomium on Massachusetts. She needs none. There she is—behold her and judge for yourselves. There is her history—the world knows it by heart—the past at least is secure. There is Boston and Concord, and Lexington, and Bunker Hill, and there they will remain for ever. The bones of her sons falling in the great struggle for independence—are mingled with the soil of every state from New England to Georgia, and there they will live forever. And, Sir, where American liberty raised its first voice and where its youth was nurtured and sustained—it still lives in the strength of its manhood, and full of its original spirit. If discord and disunion shall wound it—if party strife and blind ambition shall hawk at and tear it—if folly and madness—if uneasiness under salutary and necessary restraint shall succeed to separate it from the Union by which alone its existence is made sure—it will stand in the end—by the side of that cradle in which its infancy was rocked. It will stretch its arm with whatever of vigor it may still retain—over the friends who gather around it, and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin."

But, Sir, I must bring these desultory remarks to a close. I have spoken plainly. The momentous questions we are considering, demands plain speaking. I can most sincerely add, that I never performed a duty with more reluctance, than this review which I have now made of a portion of the Governor's message.

I deprecate this discussion of the causes of the war—and this persistent attempt to crush the administration at a moment of extreme peril. It fills my mind with dire forebodings.

It has already divided the North—I had almost said, fatally divided it. It surely cannot go much further without involving us in irretrievable ruin. If there be those who think they can see peace and a restored Union—through the defeat of the North in this war—they are mad—stark mad. If there be those who think, that in such a disaster, their political opponents only will suffer, they are the victims of an unexampled infatuation. We shall

all be saved or all be lost together. This being so manifest, how can we account for the conduct of many of our people? Is it not enough to make angels weep, to see American citizens engaged in pulling down their leaders and defenders at the very moment the enemy is upon them? To see them sacrificing their country and their all, under the insane delusion that they are achieving a party victory?

Sir,—Is there to be no end to this? Will newspapers and politicians persist at all hazards, in spreading discord, bitterness and strife among the people and in the army?

Then, Sir, we have seen the beginning of the end. Our destruction is only a question of months. It will certainly come.

And yet, sir, notwithstanding this deplorable state of things, it is not, in the language of the Governor, too late to save the country. It can

be done. But there is only one way to do it. *We must crush out this rebellion.* Nothing short of this will avail.

And we can crush out the rebellion, gigantic as it is. We have only to be united to be ultimately victorious. We must sustain our army and navy and our commander-in-chief. We must cease to appoint and remove generals and to dictate the conduct of the war, as the condition of our support. We must leave military affairs in the hands of those to whom they belong.

And to this end, also, patriotic ardor must once more be revived in the hearts of the people. It is there. It still burns, though deadened by losses and disappointments. May each one of us fan these embers until they blaze again with increase effulgence.